REMARKS

Applicants submit the present *Amendment* to respond to the issues raised in the Office Action mailed January 12, 2007. In response to the Office Action, Applicants have amended Claims 3, 9-10 and 13, cancelled Claims 14-16 and have added new Claim 19.

I. The 35 U.S.C. § 101 Rejections

The Office Action suggests that Claims 1-12 and 17 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory intangible subject matter.[1] (Office Action at 2). In particular, the Office Action states that the preamble of each of independent Claims 1, 9 and 17 is directed to software per se, lacking any hardware to enable any functionality to be realized and that the claims do not include any hardware components or features that are necessarily implemented in hardware. (*Id.*). Applicant respectfully traverses this rejection.

Independent Claims 1 and 17 expressly recite, both in the preamble and in the body of the claims, "an electronic display." Applicants respectfully submit that an "electronic display" is hardware and, therefore, the statement in the Office Action that Claims 1 and 17 "do not include hardware components or features" is simply not correct. Likewise, the statement in the Office Action that Claims 1 and 17 are "software, or at best, directed to an arrangement of software" is also not correct. In any event, what, for example, Claim 1 recites is "displaying" various things on an electronic display and Applicants respectfully submit that it is incontrovertible that such displaying operations are tangible as opposed to intangible. Accordingly, the rejections of Claims 1 and 17, and the claims depending therefrom, should be withdrawn for at least these reasons.

Furthermore, with respect to Claim 17, the recitations thereof are written in means-plus-function form and thus are directed to the embodiments disclosed in the specification and equivalents thereof. As embodiments with processors and/or other hardware are disclosed in the specification, such embodiments are part of Claim 17, providing yet another reason for withdrawal of the rejection under 35 U.S.C. § 101 with respect to Claim 17.

With respect to independent Claim 9, Applicants likewise respectfully disagree with the Examiner's conclusion that it is directed to "intangible" subject matter. However, in order

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[1] The Office Action actually states that Claims 1-33 stand rejected under 35 U.S.C. § 101. However, as only Claims 1-18 are pending, the Office Action clearly reflects a typographical error. As the rejection only references independent Claims 1, 9 and 17, Applicants have assumed that only those claims, as well as the claims depending therefrom, stand rejected under 35 U.S.C. § 101 and have responded accordingly.

to advance prosecution of this case, Applicants have amended Claim 9 to recite an electronic display and to indicate that various things are displayed on this electronic display. Accordingly, the rejection of Claim 9 and the claims depending therefrom under 35 U.S.C. § 101 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 under 35 U.S.C. § 101 should be withdrawn.

II. The 35 U.S.C. § 103 Rejections

The Office Action states that Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as obvious over U.S. Patent No. 5,701,137 to Kierman et al. ("Kierman") in view of U.S. Patent No. 6,636,250 to Gasser ("Gasser"). Applicants respectfully traverses these rejections for the reasons set forth below.

A. The Rejections of Claims 1 and 17

Claim 1 recites:

> 1. A method for displaying a set of hierarchical data and a set of non-hierarchical data on an electronic display, the method comprising:
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> displaying at least part of the set of hierarchical data on the electronic display in a tree diagram that has a plurality of levels with one or more nodes present at each level; and
>
> displaying the set of non-hierarchical data on the electronic display in a plurality of auxiliary nodes that are provided between at least some of the plurality of levels of the tree diagram.

In rejecting Claim 1, the Office Action cites to Kierman as disclosing the first two recitations and Gasser as disclosing the last recitation of Claim 1. (Office Action at 3).

Applicants respectfully submit, however, that Gasser does not disclose or suggest "displaying the set of non-hierarchical data on the electronic display in a plurality of auxiliary nodes **that are provided between at least some of the plurality of levels of the tree diagram**" as recited in the last clause of Claim 1. In this regard, it should be noted that the "plurality of levels" are the levels of the tree diagram at which hierarchical data is displayed. In Gasser the identified "non-hierarchical data" which, for example, is denoted by the reference numerals 210 in Fig. 2 of Gasser is **not** provided between the plurality of levels, but instead is displayed at the same levels that include hierarchical data. Accordingly, as neither

of the cited references disclose or suggest the last recitation of Claim 1, the rejection of Claim 1 should be withdrawn for at least this reason.

Claim 17 is a means-plus-function counterpart to the method of Claim 1, and stands rejected for the same reasons that Claim 1 is rejected. Accordingly, the rejection of Claim 17 should be withdrawn for the same reasons, discussed above, that the rejection of Claim 1 should be withdrawn.

B. The Rejections of Claims 2-8

Claims 2-8 depend from Claim 1 and hence are patentable over the cited art for at least the reasons, discussed above, that Claim 1 is patentable over the cited art. In addition, Applicants respectfully submit that at least Claims 3, 5, 6, 7 and 8 are independently patentable over the cited art.

For example, Claim 3 recites that the method further includes "using the expansion handle to **independently** show or hide selected of the **auxiliary nodes**." Claim 3 also depends from Claim 2, which recites "displaying an expansion handle adjacent at least one of the nodes in the tree diagram, wherein the expansion handle is configured to expand or collapse the tree diagram at the at least **one of the nodes**." Thus, in the method of Claim 3 the **same** expansion handle is used to expand or collapse one of the nodes that contains hierarchical data as well as to **independently** show/hide selected of the auxiliary nodes that contain non-hierarchical data. The Office Action cites to Col. 14, lines 48-65 of Gasser as disclosing the recitations of Claim 3. (Office Action at 4). However, the cited portion of Gasser simply discusses conventional expansion handles that allow a user to expand or collapse a node in a tree diagram. The cited portion of Gasser does not disclose or suggest an expansion handle that allows a user to both expand or collapse a node that contains hierarchical data as well as to independently show/hide selected of the auxiliary nodes that contain non-hierarchical data. Accordingly, the rejection of Claim 3 should be withdrawn for this additional reason.

Claim 5 recites "pointing to the expansion handle with a pointing device while pressing a first button on the pointing device operates to expand or collapse the tree diagram at the at least one of the nodes" and that "pointing to the expansion handle with the pointing device while pressing a second button on the pointing device operates to show or hide selected of the auxiliary nodes." The Office Action cites to Col. 16, lines 11-62 of Gasser as

disclosing the recitations of Claim 5. The cited portion of Gasser states that users can expand or collapse the icons 205 and 210 of Gasser, and that users can select one of the icons 210 and select a relationship function associated with the icon 210 via a pull down menu. However, Applicants respectfully submit that the cited portion of Gasser does not disclose or suggest using a first button on a pointing device to expand/collapse the nodes in the tree diagram that contain hierarchical data while using a second button on the pointing device to show/hide selected of the non-hierarchical data containing auxiliary nodes as recited in Claim 5. Accordingly, the rejection of Claim 5 should also be withdrawn for at least this additional reason.

Claim 6 recites "displaying a secondary expansion handle adjacent at least one of the nodes in the tree diagram, wherein the secondary expansion handle is configured to show or hide selected of the auxiliary nodes." The Office Action cites to Col. 17, lines 23-67 of Gasser as disclosing the recitations of Claim 6. The cited portion of Gasser, however, does not appear to relate to expansion handles, let alone to secondary expansion handles that are configured to show or hide selected of the auxiliary nodes as recited in Claim 6. Accordingly, Applicants respectfully submit that Claim 6 is patentable over the cited art for at least this additional reason.

Claim 7 recites that "the expansion handle comprises a first type of icon and the secondary expansion handle comprises a second type of icon that is different than the first type of icon." The Office Action cites to Col. 18, lines 8-67 of Gasser as disclosing the recitations of Claim 7. The cited portion of Gasser, however, relates to relationship menus and does not appear to have anything to do with using different types of icons for primary and secondary expansion handles. Accordingly, Applicants respectfully submit that Claim 7 is patentable over the cited art for at least this additional reason.

Claim 8 recites that "at least some of the nodes in the tree diagram comprise an expansion handle and a data entry connected by a horizontal connector, and wherein the method further comprises displaying a secondary expansion handle on or adjacent to at least one of the horizontal connectors." The Office Action cites to Col. 10, lines 3-60 of Gasser as disclosing the recitations of Claim 8. The cited portion of Gasser, however, does not disclose or suggest the use of secondary expansion handles, nor does it discuss placing such secondary expansion handles on or adjacent to a horizontal connector as recited in Claim 8.

Accordingly, Applicants submit that the rejection of Claim 8 should be withdrawn for at least this additional reason.

C.   The Rejections of Claims 9 and 18

As amended, independent Claim 9 recites:

> 9.   A method for displaying a set of hierarchical data and a set of non-hierarchical data in a composite diagram on an electronic display, comprising:
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> displaying on the electronic display a first part of the set of hierarchical data in a first plurality of nodes that are arranged in a plurality of levels to form a tree diagram;
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> expanding the tree diagram at one of the first plurality of nodes to display on the electronic display a second part of the set of hierarchical data in a second plurality of nodes that descend from the one of the first plurality of nodes; and
>
> independently expanding the one of the first plurality of nodes to display on the electronic display a plurality of auxiliary nodes that contain a portion of the set of non-hierarchical data.

In rejecting Claim 9, the Office Action cites to Kierman as disclosing the first two recitations of Claim 9 and Gasser as disclosing the last two recitations of Claim 9. (Office Action at 3 and 5). Applicants also respectfully traverse this rejection.

In particular, what the last two clauses of Claim 9 recite is that a node of the tree diagram that contains hierarchical data is expanded (1) to display a second part of the set of hierarchical data in a second plurality of nodes that descend from the one of the first plurality of nodes and (2) to **independently** display a plurality of auxiliary nodes that contain a portion of the set of non-hierarchical data. Applicants respectfully submit, however, that the cited portions of Gasser (Col. 31, lines 24-50 and Col. 2, lines 23-42) do not disclose or suggest expanding a particular node of a tree diagram to first display hierarchical data and to then independently display a plurality of auxiliary nodes that contain non-hierarchical data. Accordingly, the rejection of Claim 9 should be withdrawn for at least this reason.

Claim 18 is a computer program product counterpart to the method of Claim 9. Accordingly, the rejection of Claim 18 should be withdrawn for the same reasons, discussed above, that the rejection of Claim 9 should be withdrawn.

D.   The Rejections of Claims 10-12

Claims 10-12 depend from Claim 9 and hence are patentable over the cited art for at least the reasons, discussed above, that Claim 9 is patentable over the cited art. In addition, Applicants respectfully submit that at least Claims 11 and 12 are independently patentable over the cited art.

In particular, Claim 11 recites "using the expansion handle adjacent the one of the first plurality of nodes to initiate the display of the auxiliary nodes." Claim 11 depends from Claim 10 which recites that the expansion handle is also used to initiate the expansion that displays the second plurality of nodes that contain hierarchical data. Thus, in the method of Claim 11, the **same** expansion handle is used to expand a node to display hierarchical data and to expand the node to display auxiliary nodes that contain non-hierarchical data. The Office Action cites to Col. 8, lines 13-60 of Gasser as disclosing the recitations of Claim 11. (Office Action at 6). However, the cited portion of Gasser does not appear to relate to the subject matter of Claims 10 and 11. Accordingly, the rejection of Claim 11 should be withdrawn for this additional reason.

Claim 12 recites "toggling a second expansion handle located adjacent the expansion handle to initiate the display of the auxiliary nodes." The Office Action cites to Col. 10, lines 3-60 of Gasser as disclosing the recitations of Claim 12. However, as discussed above with respect to the rejection of Claim 8, the cited portion of Gasser does not disclose or suggest the use of secondary expansion handles. Accordingly, the rejection of Claim 12 should also be withdrawn for at least this additional reason.

E.   The Rejection of Claim 13

Independent Claim 13 recites, in part, that a "plurality of auxiliary nodes are arranged in one or more auxiliary levels that are positioned between adjacent levels of the tree diagram." The Office Action cites to Col. 25, lines 8-67 and Figs. 11-12 of Gasser as disclosing or suggesting this recitation of Claim 13. Applicants respectfully submit, however, that Figs. 11-12 are flow charts that fail to suggest positioning auxiliary nodes between adjacent levels of a tree diagram, nor does the cited portion of Col. 25. In fact, as shown, for example, in Fig. 2 of Gasser, the alleged hierarchical and non-hierarchical data of Gasser are displayed in the same levels of the tree diagram, and separate auxiliary levels are clearly not provided between the hierarchical data containing levels of the tree diagram for

placement of non-hierarchical data bearing nodes. Accordingly, the rejection of Claim 13 should be withdrawn for at least this reason.

Additionally, independent Claim 13 has been amended to recite that the graphical user interface includes (1) a plurality of expansion handles that are each is associated with one of the plurality of nodes and (2) at least one secondary expansion handle that is located between two adjacent ones of the plurality of expansion handles and that is associated with one of the plurality of auxiliary nodes and is configured to display or hide the one of the plurality of auxiliary nodes. Applicants respectfully submit that Gasser likewise does not disclose or suggest these additional recitations of Claim 13. Accordingly, the rejection of Claim 13 should be withdrawn for at least this additional reason.

III. Conclusion

Accordingly, for the above-stated reasons, Applicants respectfully request that this application is in condition to pass to issue, which action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

D. Randal Ayers
Registration No. 40,493

Customer No. 20792
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401